



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3010850 and 3011075
Applicant Name: Thomas Johnson
Address of Proposal: 4051 and 4061 Martin Luther King Jr. Way S

SUMMARY OF PROPOSED ACTION

3010850 - Land Use Application to allow one, 4-unit townhouse in an environmentally critical area. Parking for four vehicles to be provided at grade. Related project: Unit Lot/Lot Boundary Adjustment #3010890. SEPA for 3011075 to be reviewed under 3010850.

3011075 - Land Use Application to allow one, 5-unit townhouse and one, 2-unit townhouse for a total of seven units in an environmentally critical area. Parking for nine vehicles to be provided at grade. Related Project: Unit Lot/LBA #301890. SEPA for 3011075 to be reviewed under 3010850.

The following approval is required:

SEPA - Environmental Determination – Chapter 25.05, SMC

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
☒ DNS with conditions
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site and area description

The 23,564 square-foot site is located in a Lowrise 2 (L-2) zone at the southwest corner of S. Lilac St and Martin Luther King Jr. Way S. The site slopes from the west down to the east with approximately 12 feet of difference in grade. Most of the site is level, with the grade change primarily located in the eastern 30' of the lots.

The site is located in an Environmentally Critical Area (ECA) due to the presence of potential slide areas on the parcel and areas to the west.

Properties to the north, east, and west of the subject property are zoned Lowrise Multi-family (L-2 and L-3) and Lowrise Multi-family Residential Commercial (L-3/RC). The site is currently vacant. Surrounding land uses include a mix of single family and multi-family development, with a pea-patch immediately to the west, across a paved alley. The street frontage is developed with curb, gutter, sidewalk, and planting strip areas.

The property lines of this site have been recently modified through a lot boundary adjustment under MUP #3010890 (King County Recording Number 20110112900003).

Proposal Description

The applicant proposes to construct 11 townhouses with 13 parking surface spaces in a potential slide Environmentally Critical Area. Vehicular access would be from the alley.

Public Comments

The public notice was issued on December 17, 2009 and a revised notice was issued on August 26, 2010. No public comment letters were received.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 18, 2009. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during demolition and construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

Demolition of structures and surface paving and transport for demolition will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Construction Impacts

Construction activities include construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials. These activities themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

Earth

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant has submitted "Geotechnical Engineering Study, Proposed Rainier Vista Redevelopment, Martin Luther King Jr. Way South, Seattle, Washington," a report by Earth Consultants, Inc. for Seattle Housing Authority C/O Tonkin Hoyne Lokan, dated November 3, 2000. The consulting firm is no longer in operation, but the files were purchased by Earth Solutions NW, LLC. Earth Solutions NW submitted a signed stamped letter from a Washington licensed engineer dated January 5, 2010 notifying DPD of their role as the Geotechnical Engineer of Record, and stated that Earth Solutions NW is "in general agreement with the report recommendations."

The construction plans, including shoring of excavations as needed and erosion control techniques have received separate review by DPD geotechnical engineers. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006, and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Noise

Demolition of existing buildings and excavation will be required to prepare the site and foundations for the new structure. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the nearby residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited, subject to the conditions listed below.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; increased demand for parking; increased noise; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development; the City Noise Control Ordinance which will regulate hours and level of noise. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies, except as noted below.

Parking

Parking demand below is analyzed for existing structures and proposed structures for total potential adverse impacts from the development. The site has no existing parking spaces, with limited parking available on nearby streets.

The Institute of Transportation Engineers (ITE) Parking Manual indicates that the proposed mix of uses would generate peak demand for approximately 11 vehicle parking spaces (one parking space per residential unit).

The proposed development includes 13 parking spaces, which more than meets the anticipated parking demand. No further conditioning is warranted by SEPA policies.

Traffic

The Institute of Transportation Engineers (ITE) Trip Generation Manual 7th Edition notes that the proposed use would generate approximately 74 vehicle trips per day and 7 peak hour trips.

- Vehicle trips per day:
 - 6.72 trips per residential unit x 11 units.
- Peak hour trips:
 - 0.67 trips per residential unit x 11 units.

74 vehicle trips per day and 7 additional trips at the peak hour would likely have little effect on the existing traffic patterns in this area, since the site is located adjacent to a major arterial (Martin Luther King Jr. Way S.). Thus, the noted traffic-related impacts of the proposed completed project are not considered adverse and no further mitigation is warranted under SEPA (SMC 25.05.675.R).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - SEPA

During Construction

1. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner (Shelley Bolser, (206) 733-9067 or shelley.bolser@seattle.gov) when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: _____ (signature on file)
Shelley Bolser AICP, LEED AP,
Senior Land Use Planner
Department of Planning and Development

Date: January 24, 2011